

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,
Plaintiff.

v.

GREG LONG, OTIS
HAREWOOD, GREG LONG,
BRIAN ALBERT, EDWARD
MEADE, JOHN CONROY, AND
THE CITY OF BOSTON,
Defendants.

**ANSWER OF THE DEFENDANT JOHN CONROY TO
PLAINTIFF'S COMPLAINT, WITH AFFIRMATIVE DEFENSES AND JURY DEMAND**

NOW COMES John Conroy, Defendant in the above-entitled action,
and hereby answers the Plaintiff's Complaint ("Complaint"), as
follows:

PARTIES

1. Defendant John Conroy states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph one of the Complaint, and therefore, neither admits nor denies said allegations.
2. Defendant John Conroy admits the allegations contained in Paragraph two of the Complaint.
3. Defendant John Conroy admits the allegations contained in Paragraph three of the Complaint.
4. Defendant John Conroy admits the allegations contained in Paragraph four of the Complaint.
5. Defendant John Conroy admits the allegations contained in Paragraph five of the Complaint.

6. Defendant John Conroy admits the allegations contained in Paragraph six of the Complaint.

7. Defendant John Conroy admits the allegations contained in Paragraph seven of the Complaint.

8. Defendant John Conroy states that Paragraph eight of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations in Paragraph eight are denied.

COUNT I

Paragraphs 1-7 of Count I of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT II

Paragraphs 1-8 of Count II of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT III

Paragraphs 1-8 of Count III of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT IV

Paragraphs 1-7 of Count IV of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT V

Paragraphs 1-8 of Count V of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT VI

Paragraphs 1-8 of Count VI of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT VII

Paragraphs 1-7 of Count VII of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT VIII

Paragraphs 1-8 of Count VIII of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT IX

Paragraphs 1-8 of Count IX of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT X

Paragraphs 1-7 of Count X of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT XI

Paragraphs 1-8 of Count XI of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT XII

Paragraphs 1-8 of Count XII of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT XIII

Paragraphs 1-7 of Count XIII of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT XIV

Paragraphs 1-8 of Count XIV of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT XV

Paragraphs 1-8 of Count XV of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

COUNT XVI

1. Defendant John Conroy states that Paragraph one of Count XVI of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count XVI are denied.

2. Defendant John Conroy denies the allegations contained in Paragraph two of Count XVI of the Complaint.

3. Defendant John Conroy denies the allegations contained in Paragraph three of Count XVI of the Complaint.

4. Defendant John Conroy denies the allegations contained in Paragraph four of Count XVI of the Complaint.

5. Defendant John Conroy denies the allegations contained in Paragraph five of Count XVI of the Complaint.

6. Defendant John Conroy states that Paragraph six of Count XVI of the Complaint contains legal conclusions, and therefore no response is required.

7. Defendant John Conroy denies the allegations contained in Paragraph seven of Count XVI of the Complaint.

COUNT XVII

1. Defendant John Conroy states that Paragraph one of Count XVII of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count XVII are denied.

2. Defendant John Conroy denies the allegations contained in Paragraph two of Count XVII of the Complaint.

3. Defendant John Conroy denies the allegations contained in Paragraph three of Count XVII of the Complaint.

4. Defendant John Conroy denies the allegations contained in Paragraph four of Count XVII of the Complaint.

5. Defendant John Conroy denies the allegations contained in Paragraph five of Count XVII of the Complaint.

6. Defendant John Conroy denies the allegations contained in Paragraph six of Count XVII of the Complaint.

7. Defendant John Conroy states that Paragraph seven of Count XVII of the Complaint contains legal conclusions, and therefore no response is required.

8. Defendant John Conroy denies the allegations contained in Paragraph eight of Count XVII of the Complaint.

COUNT XVIII

1. Defendant John Conroy states that Paragraph one of Count XVIII of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count XVIII are denied.

2. Defendant John Conroy denies the allegations contained in Paragraph two of Count XVIII of the Complaint.

3. Defendant John Conroy denies the allegations contained in Paragraph three of Count XVIII of the Complaint.

4. Defendant John Conroy denies the allegations contained in Paragraph four of Count XVIII of the Complaint.

5. Defendant John Conroy denies the allegations contained in Paragraph five of Count XVIII of the Complaint.

6. Defendant John Conroy denies the allegations contained in Paragraph six of Count XVIII of the Complaint.

7. Defendant John Conroy states that Paragraph seven of Count XVIII of the Complaint contains legal conclusions, and therefore no response is required.

8. Defendant John Conroy denies the allegations contained in Paragraph eight of Count XVIII of the Complaint.

COUNT XIX

Paragraphs 1-8 of Count XIX of the Complaint contain allegations against a Defendant other than John Conroy, and therefore no response from Defendant John Conroy is required.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a claim against Defendant John Conroy upon which relief may be granted.

Second Affirmative Defense

Defendant John Conroy states that there is no factual connection between any unconstitutional municipal custom, policy or practice and any alleged violation of the Plaintiff's constitutional rights.

Third Affirmative Defense

Defendant John Conroy states that at all relevant times, he acted in good faith and in accord with the Constitutions and laws of the United States and of the Commonwealth of Massachusetts.

Fourth Affirmative Defense

Defendant John Conroy states that the Plaintiff has not been deprived of any rights secured by either the Constitutions or the laws of the United States, or of the Commonwealth of Massachusetts.

Fifth Affirmative Defense

Defendant John Conroy states that the injury or damage alleged in Plaintiff's Complaint was neither caused nor proximately caused by him.

Sixth Affirmative Defense

Defendant John Conroy states that the Plaintiff, by his own acts, omissions, conduct and activities is estopped from asserting any claims against Defendant John Conroy.

Seventh Affirmative Defense

Defendant John Conroy states that the Complaint fails to state a claim entitling the Plaintiff to relief because he is entitled to qualified immunity.

Eighth Affirmative Defense

Defendant Greg Long states that the Complaint fails to state a claim entitling the Plaintiff to relief because the claim is barred under Heck v. Humphrey, 512 U.S. 477, 487 (1994).

JURY CLAIM

Defendant John Conroy demands a trial by jury on all claims.

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the plaintiff by mail/by hand/by fax.

11/2/05 /s/ Helen G. Litsas

Respectfully submitted,

DEFENDANT JOHN CONROY,
Merita A. Hopkins
Corporation Counsel
By his attorneys:

/s/ Helen G. Litsas
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